



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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TO: Members, Public Disclosure Commission

FROM: Doug Ellis
Assistant Director

DATE: October 24, 2006

SUBJECT: Discussion of Pre-Election C-4 Penalty Schedule

In 2004 and 2005, candidates who failed to file the 21-day pre-general election C-4 report or the 7-day pre-general election C-4 report were subject to brief enforcement hearings. A total of 19 candidates were found in violation of failing to report critical pre-election activity and were assessed a civil penalty.

In line with the agency's strategic plan to *identify additional types of violations that lend themselves to application of penalty schedules* (1-2) staff developed an Pre-Election Summary of Contributions and Expenditures (C-4) Penalty Schedule to be used as a guideline for the presiding officer at Brief Enforcement Hearings. See attached.

Today, staff offers this penalty schedule for Commission discussion and possible approval to move forward with the permanent rule making process.

Election Summary of Contributions and Expenditures (C-4) Penalty Schedule

21 and 7-Day Pre-Election C-4 Reports

Status	0 - \$7,500 Expenditures	\$7,501 - \$10,000 Expenditures	\$7,501 - \$15,000 Expenditures	More than \$15,001 in Expenditures
E-Filer - C-4 e-filed more than 3 days late	\$50-\$100	N/A	\$150-\$250	\$250-\$500
Paper Filer - C-4 postmarked more than 3 days late	\$50-\$100	\$150-\$200	N/A*	N/A*

Provisos:

- 1) The Presiding Officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.
- 2) The Presiding Officer may direct a matter to the full Commission if the officer believes \$500 would be an insufficient penalty, if the matter warrants consideration by the full Commission, or if the total penalty is greater than \$500.
- 3) The Presiding Officer may ask that the matter be re-scheduled to include an alleged failure to file reports electronically when expenditures are greater than \$10,000.
- 4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the Presiding Officer may impose a penalty not to exceed the amount of the outstanding penalty, up to \$500.
- 5) If a filer under full reporting could have reported under the mini reporting option, he or she will be given a written warning and will not be brought to an enforcement hearing. In subsequent years, the same filer will not be eligible for a warning letter.

*All filers are required to file electronically when they spend or expect to spend \$10,000 or more.